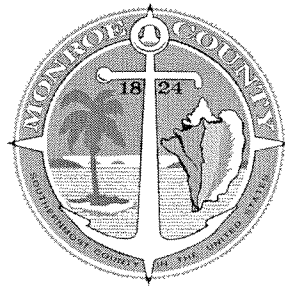


# **Monroe County Board of County Commissioners Purchasing Policy**



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# Monroe County Purchasing Policy

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# **Monroe County Purchasing Policy**

## **CHAPTER 1 - INTRODUCTION**

The purpose of the County's Purchasing policy is to secure economy in the construction of County public works and in the expenditure of County funds for services, materials, supplies, and equipment. The policy is intended to promote actual, honest and effective competition and protect the taxpayers from collusive contracts, favoritism, fraud, extravagance, and improvidence. The policies and procedures outlined herein are governed by Florida Statutes and Monroe County Ordinances most recently in effect.

The Mission of Monroe County's Purchasing section of Administrative Services is to provide quality purchasing and contracting support to all county departments in a timely, cost effective and professional manner. As purchasing professionals:

We follow a strict Code of Ethics, avoiding the appearance of and preventing the opportunity for favoritism.

We seek to maximize the purchasing power of public funds, while promoting fair and open competition.

We strive to create a work environment that demonstrates teamwork, respect, integrity and honest communication

## **CHAPTER 2 - AUTHORITY & DUTIES**

### **A. *Board of County Commissioners***

The Procurement Policy Office consists of the Monroe County Board of County Commissioners which is hereinafter referred to as the BOCC.

1. The BOCC shall decide all matters of policy including those referred to it by the Chief Procurement Officer.
2. No contract in excess of \$1,000 for goods or services may be awarded without the approval of the Policy Office.

### **B. *County Administrator***

1. The County Administrator is the Chief Procurement Officer and shall have the authority and responsibility to adopt administrative instructions for the procurement of supplies, services, and construction in accordance with policy adopted by the BOCC.
2. County Administrator has contract approval authority of \$1,000.00 M.C. ordinance Section 2-1.

### **C. *Office of Administrative Services***

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1. There is a Purchasing Section, within the Administrative Services Department. The Director of Administrative Services shall head the Purchasing Section and in such capacity be additionally referred to as the Purchasing Director.
2. The Purchasing Director, with the approval of the County Administrator, may originate or modify a Monroe County Administrative Instruction that delineates specific procedures for governing the procurement process as defined by County Ordinance and this Policy.
3. The Purchasing Section must conform to its unique status: government procurement is an “act in agency,” a special relationship which calls for the Purchasing Section to act for others, to commit their budgets, and to influence their programs.
4. Reviews all requests for purchase and contracts for goods and services prior to creation of purchase orders or submission to the BOCC for review and execution. Purchasing Section checks convicted/suspended vendor list prior to issuance of bid tabulation and distributes said list to all departments.
5. Assures that supplies used by various departments will be uniform whenever consistent with operational goals and in the interest of efficiency or economy. The requesting department must justify the need for a special type of item.
6. The Purchasing Section maintains a list of potential bidders for the various types of materials, equipment and supplies to be used in the development of a mailing list for distribution of specifications and invitations to bid for projects that fall under the competitive bid threshold. Any supplier may be included in the list upon request.
7. Makes alternative suggestions to the requesting department if requested specifications would restrict competition or otherwise preclude the most economical purchase of the required items. In case of disagreement as to the content of the specifications, the County Administrator shall make the final determination.
8. Makes the determination when a low bidder proposes an alternative as “an equal” to that specified, whether the proposed substitution is, in fact, an equal.
9. Seeks purchases through State, Federal Agencies, Associations or other governmental agencies if such purchases are in the best interest of the County.

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### **D. Requesting Department**

1. Must submit a written or electronic "Request to Purchase" to the Purchasing Section for all purchases of goods and services.
2. Provides adequate description of needed items so the Purchasing Section can assist in preparing specifications to procure the desired items and or services.
3. Provides written justification for a special type of item and or "Sole Source" vendor for which only the BOCC, County Administrator or Director of Purchasing may approve at the appropriate level of purchasing authority. The Purchasing Section must in all cases evaluate the request for any such commodity, service or source.
4. Secures P.O.'s on all purchases made during an emergency, and must be signed by the required authority. Provides the E.O.C. with a list of P.O. numbers to be utilized in the event that the normal County operations are closed.

### **E. Delegation of Authority**

Subject to the limitations of these policies and any additional procedures of the County Administrator, the Purchasing Director may delegate authority when and where such action is deemed necessary.

### **F. Purchasing Authority**

Purchasing Authority is defined as signature verification of original invoicing for receipt of the ordered goods or services for payment by Purchase Order, Audit Slip, or other fiscal documents.

1. Purchasing Authority shall be limited to the County Administrator, Purchasing Director, Division Directors, Department Directors and/or their properly authorized designees in order to insure proper fiscal control.
2. Purchasing Authority dollar level may be elevated to a higher level if the County Administrator or Purchasing Director determines such to be in the County's best interests.

PURCHASING LEVELS FOR TOTAL DOLLAR AMOUNT	WHAT TO DO?	PURCHASING AUTHORITY WHO APPROVES?
\$.01 - \$1,000.00	Request to Purchase written or electronic to Purchasing.	Department Director or their designees.
\$1,000.01 - \$5,000.00	Request to Purchase written or electronic to Purchasing.	Department Director

## Monroe County Purchasing Policy

\$5,000.01 - \$10,000.00	Request to Purchase form along with two (2) or more written price quotes.	Division Director
\$10,000.01 - \$25,000.00	Request to Purchase form along with two (2) or more written price quotes. Requesting Department will solicit bids in conjunction with the Purchasing Department.	County Administrator only.
\$25,000.01 AND OVER	Competitive Bid process	BOCC prior approval required Governed by County Ordinance

### **G. Non-discrimination**

It is the policy of Monroe County to provide equal opportunity to all qualified persons in gaining entry to do business with the County. To help achieve an optimum level of competitiveness, Monroe County does not discriminate on the basis of race, color, sex, national origin, religion, age or disability in its purchase of goods and services.

## **CHAPTER 3 - COMPETITIVE BID PROCESS**

Any purchase or contract estimated to cost \$25,000.01 or greater shall be awarded by competitive sealed bid. Award of Bid shall be made by the BOCC to the lowest conforming bid by a responsible bidder. Award of contracts for professional services are covered elsewhere in this policy. Please refer to Administrative Instruction #4802 for specific requirements.

### **A. Notice Inviting Bids**

1. Specifications: The Requesting Department must prepare bid specifications along with memorandum and deliver them to the Purchasing Section and County Attorney's office in advance of the Advertisement publication date. Bid specifications should be written broadly enough to ensure response from a range of bidders. Bid specifications should not be written to steer business toward or "rig" the bid for any one particular vendor.
2. Advertisement: Notice inviting bids shall be published by the County Attorney's Office in one (1) or more local newspapers qualifying under Florida Statutes Chapter 50.031. Notice also shall be publicly posted by the Purchasing Section in a consistent public location at least twenty-one (21) days preceding the last day established for the receipt of bids. The Purchasing Section will be responsible for insuring all bid documents are sent to Onvia By DemandStar for distribution.
3. Scope of Notice: The public notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid instructions and specifications may be secured, and the time and place for opening bids.
4. All bids received must remain valid for a period of ninety (90) days.

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5. Bid Security Deposit: Each bid must be accompanied by a bid security in an amount equal to 5% of the bid price either in the form of a certified check made payable to the County or in a bond from surety company authorized to do business in Florida. The bid securities will remain in the custody of the Purchasing Director until forfeited or released. If, after the Board accepts the bid the bidder refused to execute the contract or commence the work or provide the goods called for, then the bid security will be forfeited. The bid securities of unsuccessful bidders and bid securities in the County's possession for more than 90 days from the date of bid opening must also be returned.
6. Bid Addenda: An addendum to a specification shall be defined as an addition or change in the already prepared specifications for which an invitation has been mailed for formal quotations or an announcement has been posted for a formal sealed bid.
  - a) Any addendum to a request for formal sealed bids shall be approved by the Requesting Department Director, Division Director or designee and the Purchasing Director or designee. The addendum shall clearly point out any addition or change to the specifications.
  - b) Purchasing Section shall be responsible for notifying all prospective bidders who have received specifications of the addendum(s) in writing five (5) calendar days prior to opening date of bids (also see Administrative Instruction #4802). Specifications and addenda in the possession of Purchasing Section are controlling.
  - c) Each bidder shall examine all Bid documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquires, suggestions, or requests concerning interpretation, clarification, or additional information pertaining to the Bid shall be made to the Requesting Department.. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given. If any addenda are issued to a Bid, Monroe County will attempt to notify all prospective bidders who have secured the same.

### ***B. Procedure for Bids***

1. All public notices calling for bids, proposals, or replys under the signature of the Director of Purchasing will include a notification of the date, time and place that the bids, proposals, or reply's will be accepted and opened.



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Any and all bids, proposals, or reply received after the time and date of acceptance will not be considered and will be (if so requested) returned (at the Bidders expense) unopened to the sender.

2. All sealed bids, proposals or reply shall be opened at the Purchasing office unless another location for doing so was designated in the applicable Public Notice. The Purchasing Director shall receive and retain all original bid documents and addenda on file in his office. All bids, proposals or reply shall remain valid for a period of 90 days.
3. The date and time of bid acceptance and bid opening shall be the same. All Respondents submitting bids, proposals or reply for construction, improvement, remodeling or repair of public buildings, will furnish evidence that the bidder holds an appropriate current certificate or registration per Ch. 489.131 F.S. unless exempt under Ch. 489.103 F.S.
4. All openings shall be open to the public and the Director of Purchasing shall certify and keep a record of said openings. All bids, proposals or reply shall be stamped with date and time of receipt by the Purchasing staff and remain under lock.
5. A comprehensive review of the bids, proposals or reply will be conducted by the Requesting Department in conjunction with the Purchasing Section. The Purchasing Section will prepare a tabulation of the bid opening and certify whether or not any of the respondents that have submitted a bid, proposal or reply appears on the State of Florida Convicted or Suspended Vendor list. The Purchasing Section shall maintain an original set for the Purchasing Section file and the Requesting Department will receive the remaining documents.
6. A BOCC meeting agenda item shall be prepared by the Requesting Department and attached to the recommended bid. A hard copy and electronic file of the agenda item summary sheet should be forwarded to the Purchasing Section to be retained in the bid file.
7. Upon approval by the County Administrator, the bid , proposal or reply will be submitted for BOCC consideration on a future regular meeting agenda (within sixty (60) calendar days of selection) as an “awarding of bids, proposals or reply” item.
8. The County Administrator and/or appropriate Division or Department Director will be responsible for presenting recommendations to the BOCC.
9. Once the BOCC has made a decision, the Requesting Division Director or Department Head or their designated contract manager will be responsible

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for ensuring the accomplishment of that which was approved and issuing a P.O. for the full contract purchase amount.

10. Non-Collusion Statement: Each bid shall contain the appropriately worded non-collusion certification.
11. Drug Free Workplace: Each bid shall contain an execute "Drug Free Workplace" form.

### **C. Tie Bids**

In the event the same bid amounts are received from two or more bidders who are considered by the BOCC to be equally qualified and responsive, the award shall be to the bidder who has a principal place of business located in Monroe County, FL. Otherwise the tie will be resolved by lot.

### **D. Rejection of Bids**

1. The BOCC shall have the authority to reject any and all bids, proposals or reply.
2. If the lowest, responsible bid exceeds budgeted amount and the BOCC does not appropriate additional funds, the requesting authority may solicit approval from the BOCC and, if granted, may appropriately amend the project specifications and re-advertise the request for bids, proposals or reply.
3. If no bid is received, the BOCC may be requested to authorize the County Administrator to undertake direct negotiations to purchase the item/service. The BOCC would then consider the results of said negotiations and determine whether acquisition of these goods or services at the negotiated price would be in the County's best interest, and if so, authorize the requisition.
4. Late bids, proposals or reply. Any and all bids, proposals or reply received after the time and date of acceptance will not be accepted.

### **E. Waiver of Irregularities**

The BOCC shall have the authority to waive any and all irregularities in any and all formal bids, proposals or reply.

### **F. Award of Bid Contract**

The Mayor, when authorized by majority vote of the BOCC, shall execute formal contracts having a binding effect upon the County.

# **Monroe County Purchasing Policy**

## **CHAPTER 4 - PURCHASE OF PROFESSIONAL SERVICES**

### **A. *Definition***

A professional service shall be defined as assistance obtained in support of county operations from an independent contractor in one or more of the following professional fields:

1. Appraisal Services - real and personal property appraisers (as per Chapter 125.355, FS).
2. Architecture, professional engineering, landscape architecture, or registered land surveying services (as per Chapter 287.055, FS).
3. Audit and Accounting Services - auditors and accountants (excepting the selection of the annual auditor which shall be conducted as per Chapter 11.45, FS).
4. Consultants - planning, management, technological or scientific advisors.
5. Financial Services - bond counsel, rating and underwriting, financial advisor, and investment services.
6. Legal Services - attorneys and legal professionals.
7. Medical Services - medicine, psychiatry, dental, hospital, and other health professionals.

### **B. *Methods of acquisition***

Because differences in price may only be a minor concern compared to qualitative considerations, professional services may be exempted by the BOCC from the competitive bidding process. Instead, professional services will be typically acquired through one of the following methods:

1. Competitive Selection and Negotiation - per Chapter 287.055, (4) & (5) FS.

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- a) Request for Qualifications (RFQ) is publicly announced.
  - b) Responding firms are ranked and may be required to make public presentations to the BOCC.
  - c) The County will negotiate a contract with the firm selected by the BOCC.
  - d) The negotiated contract will be reviewed and placed before the BOCC for approval.
2. Requests for outside legal services will be referred to the County Administrator and the County Attorney for review and comment as to whether said services are necessary and/or appropriate. Requests for outside legal services may be exempted from formal competition by the BOCC at the request of the County Administrator or County Attorney.

### **CHAPTER 5 - DESIGN/BUILD CONTRACTS**

#### **A. *Primary Procedure***

1. Procurements for the design and construction of public construction projects may be obtained through a single contract with a firm selected in a manner permitted under Chapter 287.055, FS and the procedures set forth in this section.
2. For the purpose of this section, the following definitions shall apply:
  - a) A “design/build firm” means a partnership, corporation, or other legal entity which is:
    - (1) Certified under Chapter 489.119, FS, to engage in contracting through a certified or registered building contractor as the qualifying agent: and;
    - (2) Certified under Chapter 471.023, FS, to practice or to offer to practice engineering; certified under Chapter 481.219 FS, to practice or to offer to practice architecture; or certified under Chapter 481.319 FS, to practice or to offer to practice landscape architecture.
  - b) A “design/build contract” means a single contract with a design build firm for the design and construction of a public construction project.

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- c) A “design criteria package” means concise performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to a Department request for proposal, or to permit a Department to enter into negotiated design-build contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the legal description of the site, survey information concerning the site interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, and parking requirements, as may be applicable to the project.
  - d) A “design criteria professional” means a firm that holds a current certificate of registration under Chapter 481 FS to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Section 471 FS to practice engineering and provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
3. The design criteria package shall be prepared and sealed by a design criteria professional employed or retained by the agency. If the agency elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional shall be selected and contracted with in accordance with the requirements of Chapter 287.055 FS. The design criteria services of a firm under continuing contract may also be utilized if the project construction costs are estimated to be less than \$500,000 and provisions for design criteria services are included within or added to such contracts. All solicitations for professional services to prepare a design criteria package(s) shall inform the recipient firms of the following information:
- a) A description of the project;
  - b) The work to be performed;
  - c) Written notification that the design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package.

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4. Upon completion of the Design Criteria Package, procurements of Design/Build services shall be processed in a manner consistent with the section entitled "Competitive Proposals".
5. The BOCC may appoint, direct and empower a technically qualified screening committee to review, analyze, evaluate and rank/rate the applicable Design/Build proposals and report their findings and recommendations back to the BOCC for consideration and contract award.
6. The BOCC may declare a public emergency, where appropriate and authorize the using agency to negotiate an agreement for BOCC approval with the best-qualified design-build firm available at that time.
7. In lieu of the design/build contractor selection procedure described above, the following selection process may be used at the option of the Purchasing Director for the selection of a firm for the design and construction or renovation of buildings when the scope of work is flexible and identifies an end result that the County wants to achieve rather than just dictating specific methods and materials.
  - a) Bid proposals must consist of a *technical proposal* and a *price proposal*. The two proposals must be segmented into separate sealed packages and clearly marked. An original and five copies of both proposals must be received by the deadline stipulated in the Purchasing Department's public announcement.
    - (1) The *technical proposal* must include all the information requested in response to the scope of services described in the design criteria package. Examples of such information are: design drawing documents, outline specifications, and special requirements, construction details, schematic mechanical, plumbing and electrical, and schedules.
    - (2) The *price proposal* must include one lump sum cost for all costs of the project as defined by the scope of services of the design criteria package. Examples of such services are: design, permits, construction engineering, and inspection and construction of the proposed project.
  - b) The selection committee consists of the County Engineer, the County Construction Manager, and a representative of the department requesting the project selected by the County Administrator. Depending on the projection, the County Administrator may replace the County Engineer or the Construction Manager with a more appropriately qualified

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individual. At the time and place stated in the public announcement, the committee will publicly unseal the technical proposals, and distribute the proposals to the individual committee members for study and evaluation. The sealed price proposals must be kept in the custody of the Purchasing Director until unsealed under the procedure described below. At the time the technical proposals are unsealed, the Purchasing Director or his designee must also state the time and place where the technical scores will be publicly announced and the adjusted score calculated. The technical scores must be established according to the following criteria:

Technical Criteria: Maximum Score 45

Structural System  
Exterior Finish  
Roof System  
Mechanical/Plumbing  
Electrical  
Interior Finish  
Interior Hardware and Fixtures  
Interior Doors/Walls  
Ceiling/Lighting Systems

Management Criteria: Maximum Score 35

Contractors Experience  
Location of Firm  
Experience of Firm with Design/Build  
Experience of Architect/Engineer

Project Schedule: Maximum Score 20

Contractor's Ability to Meet Schedule  
Consultant's Ability to Meet Schedule  
Length of Project Schedule

TOTAL MAXIMUM SCORE 100

- c) The selection committee members must calculate a score for each of the criteria. The maximum scores are an average of the committee member's score. The total maximum score is the sum of the averages.
- d) At the time and place previously announced, the Purchasing

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Director or his designee will publicly announce the technical scores. The Purchasing Director will then unseal the price proposals and arrive at an adjusted score for each firm by dividing each firm's price by the technical review score. An example of how the selection formula works is shown below:

FIRM	TECHNICAL SCORE	BID	ADJUSTED SCORE
A	90	\$300,000	3333
B	80	\$230,000	2875
C	70	\$400,000	5714

(In this example, Firm B would be recommended for selection.)

- e) The selection committee must recommend to the BOCC that the firm with the lowest adjusted score be awarded the contract unless the committee's recommendation is to reject all the proposals. The BOCC reserves the right to reject all proposals.

### CHAPTER 6 - CONTRACTS/AGREEMENTS

#### **A. Contract Review**

1. All Contracts, leases and/or agreements shall be reviewed by Risk Management, Purchasing, the appropriate Division Director, and the County Attorney's Office prior to being placed on the agenda for BOCC approval. A contract summary will be attached to each contract/agreement.
2. The Division Director of an approved contract/agreement shall designate a Contract Manager who shall be responsible for enforcing performance of said contract/agreement terms and conditions.

#### **B. Requirements**

1. Per Fla. Statutes, Chapter 287.0582 all contracts which bind Monroe County for the purchase of services or tangible personal property for a period in excess of one (1) fiscal year must have the following statement included in the contract. "Monroe County's performance and obligation to pay under this contract, is contingent upon an annual appropriation by the BOCC."
2. Public Entity Crime Statement. All invitations to bid, request for proposals and any contract document shall contain a statement which reads as follows (Section 287.133 FS): "A person or affiliate who has been placed



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on the convicted vendor list following a conviction for public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity, may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.”

3. Ethics Clause. Each contract/agreement entered into by the County shall contain in accordance with Section 5 (b) Monroe County Ordinance No. 010-1990 the following ethics clause; “(Person or business entity) warrants that he/it had not employed, retained or otherwise had act on his/its behalf any former County officer or employee subject to the prohibition of Section 2 of Ordinance No. 010-1990 or any County officer or employee in violation of Section 3 of Ordinance No. 020-1990. For breach or violation of this provision the County may, in its discretion, terminate this contract without liability and may also, in its discretion, deduct from the contract or purchase price, or otherwise recover the full amount of any fee, commission, percentage, gift, or consideration paid to the former County officer or employee.”

### **C. CPI Computation**

The contract/agreement (lease) amount agreed to herein *might* be adjusted annually in accordance with the percentage change in the Consumer Price Index for all urban consumers (CPI-U) for the most recent 12 months available.

### **D. Exceptions**

1. There are certain expenditures for which the processing of a purchase order is unnecessary. The following should be made without purchase orders, but audit slips must be attached to invoices before being sent to Clerk’s Finance Department for payment:
  - a) Employee expenses such as conference expenses, hotel expenses, mileage and other reimbursable expenses in performance of day-to-day duties.
  - b) Interdepartmental charges - billings for specific office repairs, fuels from bulk storage, County vehicle maintenance or repairs, etc.

## **Monroe County Purchasing Policy**

2. The Purchase of the following specific goods and or services requires a purchase order and in addition shall be regulated by the appropriate Administrative Instruction.
  - a) All radio communications service and equipment - including but not limited to two-way personnel and vehicle radios, beepers and etc. Monroe County Administrative Instruction #5800.
  - b) All telephone systems, lines, services, equipment and audit costs for same. Monroe County Administrative Instruction #4401.
  - c) All computers and or data communications hardware, software, product and services. Monroe County Administrative Instruction #4401.
  - d) Business cards are subject to Monroe County Administrative Instruction #4800.
  - e) All travel shall be approved and/or regulated by the Monroe County Administrative Instruction #1003.
  - f) All purchase of vehicles, rolling equipment or emergency generators (excluding fire trucks and ambulances) shall conform to Monroe County Administrative Instruction #6403.

### ***E. Preference to Florida businesses (FS 287.084)***

When required to make purchases of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is a vendor whose principal place of business is in the State of Florida, then the County may award a preference to the lowest responsible and responsive vendor having a principal place of business within the State of Florida. However, this section does not apply to transportation projects for which federal aid funds are available.

## **CHAPTER 7 - EXCLUSIONS**

### ***A. Sole Source***

Purchase of commodities and services from a single source may be exempted from formal competition; if under \$25,000.00 by written justification from the requesting department of the following conditions:

1. The public emergency for the requirements will not permit a delay resulting from competitive solicitation.

## **Monroe County Purchasing Policy**

2. All Single Source purchases are subject to approval by either the BOCC, County Administrator or Director of Purchasing at the authorized level of authority. The Purchasing Section must in all cases evaluate the request for such commodity, service or source. Any waiver of competition in a specific instance shall not serve to waive competition of future purchases of a similar or exact nature.

### ***B. State Contracts, GSA Contracts or SNAPS***

Purchases over \$25,000 from vendors holding current “State”, “Snaps”, and “GSA” contracts are exempted from the competitive bidding process. However, before any purchase is made through an existing contract, the Purchasing Director must first contact other South Florida vendors in order to determine if the goods or services sought are available at a lower price than the price(s) of the existing contract. If the goods or services are available from another vendor at a lower than the price of the existing contract, then the contract for the goods or services must be awarded to that vendor. The purchase of the goods or services sought may be made through the existing contract if none of the other vendors contacted by the Purchasing Director offered the goods or services at a price lower than the price of the existing contract. Please refer to Administrative Instruction #4803 for the SNAPS program.

### ***C. Previously Approved Projects***

Once the BOCC has approved a project, concept, and/or specific capital budget item, subsequent additional, redundant approval by the BOCC is specifically not required for advertisements, Requests for Qualifications (RFQ's) or Bids, proposals or reply. (BOCC action 5-26-93, Page 93/254 #1).

### ***D. Piggybacking***

The County has the option to “piggyback” on another governmental entity’s or not for profit association's competitively awarded bid to take advantage of the pricing received:

1. The requesting department in conjunction with the Purchasing Section must first verify specifications and award information and receive permission from both the entity and the vendor to piggyback.

## Monroe County Purchasing Policy

2. Piggyback purchases over \$25,000 are not subject to the competitive bidding process. However, before any purchase is made through an existing contract, the Purchasing Director must first contact other South Florida vendors in order to determine if the goods or services sought are available at a lower price than the price(s) of the existing contract. If the goods or services are available from another vendor at a lower than the price of the existing contract, then the contract for the goods or services must be awarded to that vendor. The purchase of the goods or services sought may be made through the existing contract if none of the other vendors contacted by the Purchasing Director offered the goods or services at a price lower than the price of the existing contract.
3. Conversely, Monroe County will allow other governmental entities to piggyback on Monroe County's quotes when requested.
4. Please note the term "piggyback" only applies when the items(s) or services(s) being purchased are exactly the same as the original award.

### CHAPTER 8 - BLANKET PURCHASE AGREEMENTS

A Blanket Purchase Agreement (BPA) is a simplified method of filling anticipated repetitive requirements for supplies or services by established "Charge Accounts" with qualified vendors during a specified period (not to exceed 12 months or one (1) fiscal year whichever is less). BPAs are designed to reduce administrative costs in accomplishing purchases (up to \$25,000) by eliminating the need of issuing individual written purchase orders.

#### **A. BPAs**

1. Pre-priced BPAs, also identified as Required Contracts, are issued when there are repetitive needs for specific items or services and when the exact quantities and delivery requirements are not known in advance and may vary. A purchase requisition containing (1) description of the required items or services, (2) specified period, and (3) estimated quantities for the specified period, is required to establish a pre-priced BPA Requirement Contract. BPA cannot be issued without a price.

#### **B. BPA terms and conditions**

1. Description of agreement - A statement that the vendor shall furnish supplies or services when requested by the authorized individual (s) during a specified period.
2. Extent of obligation - A statement that the County is obligated only to the extent of authorized purchases actually made under the BPA.

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3. Pricing (Un-priced BPA) - A statement that the prices to the County shall be as low or lower than those charged to the vendor's most favored customer for comparable quantities.
4. Purchase limitation (Un-priced BPA) - Dollar limitation for each call order under the BPA.
5. Authorization - A statement specifying who may place calls against the BPA (OMB Director).

### **CHAPTER 9 - RETURN OF PURCHASES**

The Policy Office's basic policy is to reject all nonconforming goods or services. All personnel charged with contractor surveillance shall document findings/reviews/inspections in writing and assure that one (1) copy of each is forwarded to the Purchasing Section for inclusion in the purchase transaction file.

Nonconforming goods or services shall be corrected as follows (in order of preference):

1. Request vendor to restock/re-perform any unacceptable quantities/portions of the contract.
2. Allow contract performance after obtaining some form of consideration.
3. Agree to an equitable adjustment and modify the contract accordingly.
4. Repurchase any unacceptable quantities/portions of the contract and collect excess cost from the delinquent vendor.
5. Terminate the contract.
6. All corrections for nonconforming goods and services shall be subject to approval at the appropriate level of purchasing.

### **CHAPTER 10 - MINORITY BUSINESS ENTERPRISE (MBE), SMALL BUSINESS & DISADVANTAGED BUSINESSES**

On all contracts or contract modifications of over \$500,000 (\$1,000,000 for construction) and that have subcontracting possibilities, the Purchasing Director and/or the Division/Department having project management/oversight responsibilities, should submit an acceptable subcontracting plan. Under such a plan, maximum practicable opportunities must be afforded to small and small minority firms. This plan must include:

1. Separate percentage goals for using small business concerns and small disadvantaged business concerns.

## **Monroe County Purchasing Policy**

2. Name of an individual employed who will administer the firm's subcontracting program.
3. Description of efforts to be made to insure that such firms have an equitable opportunity to compete for subcontracts.
4. Assurance that the clause at FAR 52.219-8 will be included in all subcontracts that offer subcontract opportunities.
5. Assurance to cooperate on surveys for compliance.

### **CHAPTER 11 - PURCHASE OF INSURANCE**

Any purchase of insurance by the Monroe County BOCC shall be treated as the purchase of a commodity and regulated the same. This includes the methods of solicitation for coverage: by selection from RFP's; by RFQ's; by sealed bids.

All policies for insurance coverage and contracts for insurance service agencies shall be renewable yearly for a total of not to exceed three (3) renewal years with BOCC review.

### **CHAPTER 12 - RECYCLED CONTENT PRODUCTS**

The Purchasing Section shall on a continuing basis encourage the use of products and materials with recycled content. Preference shall be given to the procurement of recycled content products and materials when it can be determined that such purchases are cost effective, meet specifications required and are in the best interest of Monroe County.

For the purposes of this section "recycled content" means materials that have been used, recycled and are contained in the products or materials to be procured as "post" recycled.

### **CHAPTER 13 - SURPLUS ITEMS**

All using county agencies shall submit to the Clerk of the Courts Property Clerk at such times and in such form as shall be prescribed, reports showing stocks of all tangible personal property which are no longer used or which have become obsolete, worn out or scrapped.

1. Transfer: The Director of Purchasing shall have the authority to transfer surplus stock and equipment to other using county agencies.
2. The Director of Purchasing shall have authority to sell, trade or exchange all supplies and equipment of a value less than the limits proscribed under Chapter 274 FS (\$500.00), which have become unsuitable for County use. Sales of Surplus Property equal to or in excess of the referenced statutory limits (\$500.00) shall require prior approval of the BOCC.
3. Employees of Monroe County are expressly forbidden to bid on sales of surplus Monroe County property. No employee's relative, as defined by Florida Statute Section 112.312, shall be allowed to bid on surplus by

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Florida Statute Section 112.312, shall be allowed to bid on surplus property over which the employee had custody or authority to initiate or authorize the decision to surplus. (BOCC 93/77, 2-10-93)

### **CHAPTER 14 - CENTRAL STORES**

The Purchasing Section shall, where economically feasible, maintain a complete inventory of stockpiled, consumable materials and supplies

#### ***A. Purpose***

1. Permit more effective control and consolidation of purchases;
2. Permit advance procurement of certain items, frequently purchased in small quantities for immediate consumption, thus making these items readily available as issued; and

#### ***B. Requisitions from Central Stores***

The individual departments shall submit orders for inventory items on a requisition form. The request will be forwarded to the Purchasing Section.

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# **Monroe County Purchasing Policy**

## **CHAPTER 1 - INTRODUCTION**

The purpose of the County's Purchasing policy is to secure economy in the construction of County public works and in the expenditure of County funds for services, materials, supplies, and equipment. The policy is intended to promote actual, honest and effective competition and protect the taxpayers from collusive contracts, favoritism, fraud, extravagance, and improvidence. The policies and procedures outlined herein are governed by Florida Statutes and Monroe County Ordinances most recently in effect.

The Mission of Monroe County's Purchasing section of Administrative Services is to provide quality purchasing and contracting support to all county departments in a timely, cost effective and professional manner. As purchasing professionals:

We follow a strict Code of Ethics, avoiding the appearance of and preventing the opportunity for favoritism.

We seek to maximize the purchasing power of public funds, while promoting fair and open competition.

We strive to create a work environment that demonstrates teamwork, respect, integrity and honest communication

## **CHAPTER 2 - AUTHORITY & DUTIES**

### ***A. Board of County Commissioners***

The Procurement Policy Office consists of the Monroe County Board of County Commissioners which is hereinafter referred to as the BOCC.

1. The BOCC shall decide all matters of policy including those referred to it by the Chief Procurement Officer.
2. No contract in excess of \$1,000 for goods or services may be awarded without the approval of the Policy Office.

### ***B. County Administrator***

1. The County Administrator is the Chief Procurement Officer and shall have the authority and responsibility to adopt administrative instructions for the procurement of supplies, services, and construction in accordance with policy adopted by the BOCC.
2. County Administrator has contract approval authority of \$1,000.00 M.C. ordinance Section 2-1.

### ***C. Office of Administrative Services***

## **Monroe County Purchasing Policy**

1. There is a Purchasing Section, within the Administrative Services Department. The Director of Administrative Services shall head the Purchasing Section and in such capacity be additionally referred to as the Purchasing Director.
2. The Purchasing Director, with the approval of the County Administrator, may originate or modify a Monroe County Administrative Instruction that delineates specific procedures for governing the procurement process as defined by County Ordinance and this Policy.
3. The Purchasing Section must conform to its unique status: government procurement is an “act in agency,” a special relationship which calls for the Purchasing Section to act for others, to commit their budgets, and to influence their programs.
4. Reviews all requests for purchase and contracts for goods and services prior to creation of purchase orders or submission to the BOCC for review and execution. Purchasing Section checks convicted/suspended vendor list prior to issuance of bid tabulation and distributes said list to all departments.
5. Assures that supplies used by various departments will be uniform whenever consistent with operational goals and in the interest of efficiency or economy. The requesting department must justify the need for a special type of item.
6. The Purchasing Section maintains a list of potential bidders for the various types of materials, equipment and supplies to be used in the development of a mailing list for distribution of specifications and invitations to bid for projects that fall under the competitive bid threshold. Any supplier may be included in the list upon request.
7. Makes alternative suggestions to the requesting department if requested specifications would restrict competition or otherwise preclude the most economical purchase of the required items. In case of disagreement as to the content of the specifications, the County Administrator shall make the final determination.
8. Makes the determination when a low bidder proposes an alternative as “an equal” to that specified, whether the proposed substitution is, in fact, an equal.
9. Seeks purchases through State, Federal Agencies, Associations or other governmental agencies if such purchases are in the best interest of the County.

## Monroe County Purchasing Policy

### **D. Requesting Department**

1. Must submit a written or electronic "Request to Purchase" to the Purchasing Section for all purchases of goods and services.
2. Provides adequate description of needed items so the Purchasing Section can assist in preparing specifications to procure the desired items and or services.
3. Provides written justification for a special type of item and or "Sole Source" vendor for which only the BOCC, County Administrator or Director of Purchasing may approve at the appropriate level of purchasing authority. The Purchasing Section must in all cases evaluate the request for any such commodity, service or source.
4. Secures P.O.'s on all purchases made during an emergency, and must be signed by the required authority. Provides the E.O.C. with a list of P.O. numbers to be utilized in the event that the normal County operations are closed.

### **E. Delegation of Authority**

Subject to the limitations of these policies and any additional procedures of the County Administrator, the Purchasing Director may delegate authority when and where such action is deemed necessary.

### **F. Purchasing Authority**

Purchasing Authority is defined as signature verification of original invoicing for receipt of the ordered goods or services for payment by Purchase Order, Audit Slip, or other fiscal documents.

1. Purchasing Authority shall be limited to the County Administrator, Purchasing Director, Division Directors, Department Directors and/or their properly authorized designees in order to insure proper fiscal control.
2. Purchasing Authority dollar level may be elevated to a higher level if the County Administrator or Purchasing Director determines such to be in the County's best interests.

PURCHASING LEVELS FOR TOTAL DOLLAR AMOUNT	WHAT TO DO?	PURCHASING AUTHORITY WHO APPROVES?
\$.01 - \$1,000.00	Request to Purchase written or electronic to Purchasing.	Department Director or their designees.
\$1,000.01 - \$5,000.00	Request to Purchase written or electronic to Purchasing.	Department Director

## Monroe County Purchasing Policy

\$5,000.01 - \$10,000.00	Request to Purchase form along with two (2) or more written price quotes.	Division Director
\$10,000.01 - \$25,000.00	Request to Purchase form along with two (2) or more written price quotes. Requesting Department will solicit bids in conjunction with the Purchasing Department.	County Administrator only.
\$25,000.01 AND OVER	Competitive Bid process	BOCC prior approval required Governed by County Ordinance

### **G. Non-discrimination**

It is the policy of Monroe County to provide equal opportunity to all qualified persons in gaining entry to do business with the County. To help achieve an optimum level of competitiveness, Monroe County does not discriminate on the basis of race, color, sex, national origin, religion, age or disability in its purchase of goods and services.

### **CHAPTER 3 - COMPETITIVE BID PROCESS**

Any purchase or contract estimated to cost \$25,000.01 or greater shall be awarded by competitive sealed bid. Award of Bid shall be made by the BOCC to the lowest conforming bid by a responsible bidder. Award of contracts for professional services are covered elsewhere in this policy. Please refer to Administrative Instruction #4802 for specific requirements.

### **A. Notice Inviting Bids**

1. Specifications: The Requesting Department must prepare bid specifications along with memorandum and deliver them to the Purchasing Section and County Attorney's office in advance of the Advertisement publication date. Bid specifications should be written broadly enough to ensure response from a range of bidders. Bid specifications should not be written to steer business toward or "rig" the bid for any one particular vendor.
2. Advertisement: Notice inviting bids shall be published by the County Attorney's Office in one (1) or more local newspapers qualifying under Florida Statutes Chapter 50.031. Notice also shall be publicly posted by the Purchasing Section in a consistent public location at least twenty-one (21) days preceding the last day established for the receipt of bids. The Purchasing Section will be responsible for insuring all bid documents are sent to Onvia By DemandStar for distribution.
3. Scope of Notice: The public notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid instructions and specifications may be secured, and the time and place for opening bids.
4. All bids received must remain valid for a period of ninety (90) days.

## **Monroe County Purchasing Policy**

5. Bid Security Deposit: Each bid must be accompanied by a bid security in an amount equal to 5% of the bid price either in the form of a certified check made payable to the County or in a bond from surety company authorized to do business in Florida. The bid securities will remain in the custody of the Purchasing Director until forfeited or released. If, after the Board accepts the bid the bidder refused to execute the contract or commence the work or provide the goods called for, then the bid security will be forfeited. The bid securities of unsuccessful bidders and bid securities in the County's possession for more than 90 days from the date of bid opening must also be returned.
6. Bid Addenda: An addendum to a specification shall be defined as an addition or change in the already prepared specifications for which an invitation has been mailed for formal quotations or an announcement has been posted for a formal sealed bid.
  - a) Any addendum to a request for formal sealed bids shall be approved by the Requesting Department Director, Division Director or designee and the Purchasing Director or designee. The addendum shall clearly point out any addition or change to the specifications.
  - b) Purchasing Section shall be responsible for notifying all prospective bidders who have received specifications of the addendum(s) in writing five (5) calendar days prior to opening date of bids (also see Administrative Instruction #4802). Specifications and addenda in the possession of Purchasing Section are controlling.
  - c) Each bidder shall examine all Bid documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquires, suggestions, or requests concerning interpretation, clarification, or additional information pertaining to the Bid shall be made to the Requesting Department.. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given. If any addenda are issued to a Bid, Monroe County will attempt to notify all prospective bidders who have secured the same.

### ***B. Procedure for Bids***

1. All public notices calling for bids, proposals, or replys under the signature of the Director of Purchasing will include a notification of the date, time and place that the bids, proposals, or reply's will be accepted and opened.



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Any and all bids, proposals, or reply received after the time and date of acceptance will not be considered and will be (if so requested) returned (at the Bidders expense) unopened to the sender.

2. All sealed bids, proposals or reply shall be opened at the Purchasing office unless another location for doing so was designated in the applicable Public Notice. The Purchasing Director shall receive and retain all original bid documents and addenda on file in his office. All bids, proposals or reply shall remain valid for a period of 90 days.
3. The date and time of bid acceptance and bid opening shall be the same. All Respondents submitting bids, proposals or reply for construction, improvement, remodeling or repair of public buildings, will furnish evidence that the bidder holds an appropriate current certificate or registration per Ch. 489.131 F.S. unless exempt under Ch. 489.103 F.S.
4. All openings shall be open to the public and the Director of Purchasing shall certify and keep a record of said openings. All bids, proposals or reply shall be stamped with date and time of receipt by the Purchasing staff and remain under lock.
5. A comprehensive review of the bids, proposals or reply will be conducted by the Requesting Department in conjunction with the Purchasing Section. The Purchasing Section will prepare a tabulation of the bid opening and certify whether or not any of the respondents that have submitted a bid, proposal or reply appears on the State of Florida Convicted or Suspended Vendor list. The Purchasing Section shall maintain an original set for the Purchasing Section file and the Requesting Department will receive the remaining documents.
6. A BOCC meeting agenda item shall be prepared by the Requesting Department and attached to the recommended bid. A hard copy and electronic file of the agenda item summary sheet should be forwarded to the Purchasing Section to be retained in the bid file.
7. Upon approval by the County Administrator, the bid , proposal or reply will be submitted for BOCC consideration on a future regular meeting agenda (within sixty (60) calendar days of selection) as an “awarding of bids, proposals or reply” item.
8. The County Administrator and/or appropriate Division or Department Director will be responsible for presenting recommendations to the BOCC.
9. Once the BOCC has made a decision, the Requesting Division Director or Department Head or their designated contract manager will be responsible

## **Monroe County Purchasing Policy**

for ensuring the accomplishment of that which was approved and issuing a P.O. for the full contract purchase amount.

10. Non-Collusion Statement: Each bid shall contain the appropriately worded non-collusion certification.
11. Drug Free Workplace: Each bid shall contain an execute "Drug Free Workplace" form.

### **C. Tie Bids**

In the event the same bid amounts are received from two or more bidders who are considered by the BOCC to be equally qualified and responsive, the award shall be to the bidder who has a principal place of business located in Monroe County, FL. Otherwise the tie will be resolved by lot.

### **D. Rejection of Bids**

1. The BOCC shall have the authority to reject any and all bids, proposals or reply.
2. If the lowest, responsible bid exceeds budgeted amount and the BOCC does not appropriate additional funds, the requesting authority may solicit approval from the BOCC and, if granted, may appropriately amend the project specifications and re-advertise the request for bids, proposals or reply.
3. If no bid is received, the BOCC may be requested to authorize the County Administrator to undertake direct negotiations to purchase the item/service. The BOCC would then consider the results of said negotiations and determine whether acquisition of these goods or services at the negotiated price would be in the County's best interest, and if so, authorize the requisition.
4. Late bids, proposals or reply. Any and all bids, proposals or reply received after the time and date of acceptance will not be accepted.

### **E. Waiver of Irregularities**

The BOCC shall have the authority to waive any and all irregularities in any and all formal bids, proposals or reply.

### **F. Award of Bid Contract**

The Mayor, when authorized by majority vote of the BOCC, shall execute formal contracts having a binding effect upon the County.

# **Monroe County Purchasing Policy**

## **CHAPTER 4 - PURCHASE OF PROFESSIONAL SERVICES**

### ***A. Definition***

A professional service shall be defined as assistance obtained in support of county operations from an independent contractor in one or more of the following professional fields:

1. Appraisal Services - real and personal property appraisers (as per Chapter 125.355, FS).
2. Architecture, professional engineering, landscape architecture, or registered land surveying services (as per Chapter 287.055, FS).
3. Audit and Accounting Services - auditors and accountants (excepting the selection of the annual auditor which shall be conducted as per Chapter 11.45, FS).
4. Consultants - planning, management, technological or scientific advisors.
5. Financial Services - bond counsel, rating and underwriting, financial advisor, and investment services.
6. Legal Services - attorneys and legal professionals.
7. Medical Services - medicine, psychiatry, dental, hospital, and other health professionals.

### ***B. Methods of acquisition***

Because differences in price may only be a minor concern compared to qualitative considerations, professional services may be exempted by the BOCC from the competitive bidding process. Instead, professional services will be typically acquired through one of the following methods:

1. Competitive Selection and Negotiation - per Chapter 287.055, (4) & (5) FS.

## **Monroe County Purchasing Policy**

- a) Request for Qualifications (RFQ) is publicly announced.
  - b) Responding firms are ranked and may be required to make public presentations to the BOCC.
  - c) The County will negotiate a contract with the firm selected by the BOCC.
  - d) The negotiated contract will be reviewed and placed before the BOCC for approval.
2. Requests for outside legal services will be referred to the County Administrator and the County Attorney for review and comment as to whether said services are necessary and/or appropriate. Requests for outside legal services may be exempted from formal competition by the BOCC at the request of the County Administrator or County Attorney.

### **CHAPTER 5 - DESIGN/BUILD CONTRACTS**

#### **A. *Primary Procedure***

1. Procurements for the design and construction of public construction projects may be obtained through a single contract with a firm selected in a manner permitted under Chapter 287.055, FS and the procedures set forth in this section.
2. For the purpose of this section, the following definitions shall apply:
  - a) A “design/build firm” means a partnership, corporation, or other legal entity which is:
    - (1) Certified under Chapter 489.119, FS, to engage in contracting through a certified or registered building contractor as the qualifying agent: and;
    - (2) Certified under Chapter 471.023, FS, to practice or to offer to practice engineering; certified under Chapter 481.219 FS, to practice or to offer to practice architecture; or certified under Chapter 481.319 FS, to practice or to offer to practice landscape architecture.
  - b) A “design/build contract” means a single contract with a design build firm for the design and construction of a public construction project.

## Monroe County Purchasing Policy

- c) A “design criteria package” means concise performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to a Department request for proposal, or to permit a Department to enter into negotiated design-build contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the legal description of the site, survey information concerning the site interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, and parking requirements, as may be applicable to the project.
  - d) A “design criteria professional” means a firm that holds a current certificate of registration under Chapter 481 FS to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Section 471 FS to practice engineering and provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.
3. The design criteria package shall be prepared and sealed by a design criteria professional employed or retained by the agency. If the agency elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional shall be selected and contracted with in accordance with the requirements of Chapter 287.055 FS. The design criteria services of a firm under continuing contract may also be utilized if the project construction costs are estimated to be less than \$500,000 and provisions for design criteria services are included within or added to such contracts. All solicitations for professional services to prepare a design criteria package(s) shall inform the recipient firms of the following information:
- a) A description of the project;
  - b) The work to be performed;
  - c) Written notification that the design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package.

## Monroe County Purchasing Policy

4. Upon completion of the Design Criteria Package, procurements of Design/Build services shall be processed in a manner consistent with the section entitled "Competitive Proposals".
5. The BOCC may appoint, direct and empower a technically qualified screening committee to review, analyze, evaluate and rank/rate the applicable Design/Build proposals and report their findings and recommendations back to the BOCC for consideration and contract award.
6. The BOCC may declare a public emergency, where appropriate and authorize the using agency to negotiate an agreement for BOCC approval with the best-qualified design-build firm available at that time.
7. In lieu of the design/build contractor selection procedure described above, the following selection process may be used at the option of the Purchasing Director for the selection of a firm for the design and construction or renovation of buildings when the scope of work is flexible and identifies an end result that the County wants to achieve rather than just dictating specific methods and materials.
  - a) Bid proposals must consist of a *technical proposal* and a *price proposal*. The two proposals must be segmented into separate sealed packages and clearly marked. An original and five copies of both proposals must be received by the deadline stipulated in the Purchasing Department's public announcement.
    - (1) The *technical proposal* must include all the information requested in response to the scope of services described in the design criteria package. Examples of such information are: design drawing documents, outline specifications, and special requirements, construction details, schematic mechanical, plumbing and electrical, and schedules.
    - (2) The *price proposal* must include one lump sum cost for all costs of the project as defined by the scope of services of the design criteria package. Examples of such services are: design, permits, construction engineering, and inspection and construction of the proposed project.
  - b) The selection committee consists of the County Engineer, the County Construction Manager, and a representative of the department requesting the project selected by the County Administrator. Depending on the projection, the County Administrator may replace the County Engineer or the Construction Manager with a more appropriately qualified

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individual. At the time and place stated in the public announcement, the committee will publicly unseal the technical proposals, and distribute the proposals to the individual committee members for study and evaluation. The sealed price proposals must be kept in the custody of the Purchasing Director until unsealed under the procedure described below. At the time the technical proposals are unsealed, the Purchasing Director or his designee must also state the time and place where the technical scores will be publicly announced and the adjusted score calculated. The technical scores must be established according to the following criteria:

Technical Criteria: Maximum Score 45

Structural System  
Exterior Finish  
Roof System  
Mechanical/Plumbing  
Electrical  
Interior Finish  
Interior Hardware and Fixtures  
Interior Doors/Walls  
Ceiling/Lighting Systems

Management Criteria: Maximum Score 35

Contractors Experience  
Location of Firm  
Experience of Firm with Design/Build  
Experience of Architect/Engineer

Project Schedule: Maximum Score 20

Contractor's Ability to Meet Schedule  
Consultant's Ability to Meet Schedule  
Length of Project Schedule

TOTAL MAXIMUM SCORE 100

- c) The selection committee members must calculate a score for each of the criteria. The maximum scores are an average of the committee member's score. The total maximum score is the sum of the averages.
- d) At the time and place previously announced, the Purchasing

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Director or his designee will publicly announce the technical scores. The Purchasing Director will then unseal the price proposals and arrive at an adjusted score for each firm by dividing each firm's price by the technical review score. An example of how the selection formula works is shown below:

FIRM	TECHNICAL SCORE	BID	ADJUSTED SCORE
A	90	\$300,000	3333
B	80	\$230,000	2875
C	70	\$400,000	5714

(In this example, Firm B would be recommended for selection.)

- e) The selection committee must recommend to the BOCC that the firm with the lowest adjusted score be awarded the contract unless the committee's recommendation is to reject all the proposals. The BOCC reserves the right to reject all proposals.

## CHAPTER 6 - CONTRACTS/AGREEMENTS

### A. *Contract Review*

1. All Contracts, leases and/or agreements shall be reviewed by Risk Management, Purchasing, the appropriate Division Director, and the County Attorney's Office prior to being placed on the agenda for BOCC approval. A contract summary will be attached to each contract/agreement.
2. The Division Director of an approved contract/agreement shall designate a Contract Manager who shall be responsible for enforcing performance of said contract/agreement terms and conditions.

### B. *Requirements*

1. Per Fla. Statutes, Chapter 287.0582 all contracts which bind Monroe County for the purchase of services or tangible personal property for a period in excess of one (1) fiscal year must have the following statement included in the contract. "Monroe County's performance and obligation to pay under this contract, is contingent upon an annual appropriation by the BOCC."
2. Public Entity Crime Statement. All invitations to bid, request for proposals and any contract document shall contain a statement which reads as follows (Section 287.133 FS): "A person or affiliate who has been placed



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on the convicted vendor list following a conviction for public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity, may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.”

3. Ethics Clause. Each contract/agreement entered into by the County shall contain in accordance with Section 5 (b) Monroe County Ordinance No. 010-1990 the following ethics clause; “(Person or business entity) warrants that he/it had not employed, retained or otherwise had act on his/its behalf any former County officer or employee subject to the prohibition of Section 2 of Ordinance No. 010-1990 or any County officer or employee in violation of Section 3 of Ordinance No. 020-1990. For breach or violation of this provision the County may, in its discretion, terminate this contract without liability and may also, in its discretion, deduct from the contract or purchase price, or otherwise recover the full amount of any fee, commission, percentage, gift, or consideration paid to the former County officer or employee.”

### **C. CPI Computation**

The contract/agreement (lease) amount agreed to herein *might* be adjusted annually in accordance with the percentage change in the Consumer Price Index for all urban consumers (CPI-U) for the most recent 12 months available.

### **D. Exceptions**

1. There are certain expenditures for which the processing of a purchase order is unnecessary. The following should be made without purchase orders, but audit slips must be attached to invoices before being sent to Clerk’s Finance Department for payment:
  - a) Employee expenses such as conference expenses, hotel expenses, mileage and other reimbursable expenses in performance of day-to-day duties.
  - b) Interdepartmental charges - billings for specific office repairs, fuels from bulk storage, County vehicle maintenance or repairs, etc.

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2. The Purchase of the following specific goods and or services requires a purchase order and in addition shall be regulated by the appropriate Administrative Instruction.
  - a) All radio communications service and equipment - including but not limited to two-way personnel and vehicle radios, beepers and etc. Monroe County Administrative Instruction #5800.
  - b) All telephone systems, lines, services, equipment and audit costs for same. Monroe County Administrative Instruction #4401.
  - c) All computers and or data communications hardware, software, product and services. Monroe County Administrative Instruction #4401.
  - d) Business cards are subject to Monroe County Administrative Instruction #4800.
  - e) All travel shall be approved and/or regulated by the Monroe County Administrative Instruction #1003.
  - f) All purchase of vehicles, rolling equipment or emergency generators (excluding fire trucks and ambulances) shall conform to Monroe County Administrative Instruction #6403.

### ***E. Preference to Florida businesses (FS 287.084)***

When required to make purchases of personal property through competitive solicitation and the lowest responsible and responsive bid, proposal, or reply is a vendor whose principal place of business is in the State of Florida, then the County may award a preference to the lowest responsible and responsive vendor having a principal place of business within the State of Florida. However, this section does not apply to transportation projects for which federal aid funds are available.

## **CHAPTER 7 - EXCLUSIONS**

### ***A. Sole Source***

Purchase of commodities and services from a single source may be exempted from formal competition; if under \$25,000.00 by written justification from the requesting department of the following conditions:

1. The public emergency for the requirements will not permit a delay resulting from competitive solicitation.

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2. All Single Source purchases are subject to approval by either the BOCC, County Administrator or Director of Purchasing at the authorized level of authority. The Purchasing Section must in all cases evaluate the request for such commodity, service or source. Any waiver of competition in a specific instance shall not serve to waive competition of future purchases of a similar or exact nature.

### ***B. State Contracts, GSA Contracts or SNAPS***

Purchases over \$25,000 from vendors holding current “State”, “Snaps”, and “GSA” contracts are exempted from the competitive bidding process. However, before any purchase is made through an existing contract, the Purchasing Director must first contact other South Florida vendors in order to determine if the goods or services sought are available at a lower price than the price(s) of the existing contract. If the goods or services are available from another vendor at a lower than the price of the existing contract, then the contract for the goods or services must be awarded to that vendor. The purchase of the goods or services sought may be made through the existing contract if none of the other vendors contacted by the Purchasing Director offered the goods or services at a price lower than the price of the existing contract. Please refer to Administrative Instruction #4803 for the SNAPS program.

### ***C. Previously Approved Projects***

Once the BOCC has approved a project, concept, and/or specific capital budget item, subsequent additional, redundant approval by the BOCC is specifically not required for advertisements, Requests for Qualifications (RFQ's) or Bids, proposals or reply. (BOCC action 5-26-93, Page 93/254 #1).

### ***D. Piggybacking***

The County has the option to “piggyback” on another governmental entity’s or not for profit association’s competitively awarded bid to take advantage of the pricing received:

1. The requesting department in conjunction with the Purchasing Section must first verify specifications and award information and receive permission from both the entity and the vendor to piggyback.

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2. Piggyback purchases over \$25,000 are not subject to the competitive bidding process. However, before any purchase is made through an existing contract, the Purchasing Director must first contact other South Florida vendors in order to determine if the goods or services sought are available at a lower price than the price(s) of the existing contract. If the goods or services are available from another vendor at a lower than the price of the existing contract, then the contract for the goods or services must be awarded to that vendor. The purchase of the goods or services sought may be made through the existing contract if none of the other vendors contacted by the Purchasing Director offered the goods or services at a price lower than the price of the existing contract.
3. Conversely, Monroe County will allow other governmental entities to piggyback on Monroe County's quotes when requested.
4. Please note the term "piggyback" only applies when the items(s) or services(s) being purchased are exactly the same as the original award.

### CHAPTER 8 - BLANKET PURCHASE AGREEMENTS

A Blanket Purchase Agreement (BPA) is a simplified method of filling anticipated repetitive requirements for supplies or services by established "Charge Accounts" with qualified vendors during a specified period (not to exceed 12 months or one (1) fiscal year whichever is less). BPAs are designed to reduce administrative costs in accomplishing purchases (up to \$25,000) by eliminating the need of issuing individual written purchase orders.

#### **A. BPAs**

1. Pre-priced BPAs, also identified as Required Contracts, are issued when there are repetitive needs for specific items or services and when the exact quantities and delivery requirements are not known in advance and may vary. A purchase requisition containing (1) description of the required items or services, (2) specified period, and (3) estimated quantities for the specified period, is required to establish a pre-priced BPA Requirement Contract. BPA cannot be issued without a price.

#### **B. BPA terms and conditions**

1. Description of agreement - A statement that the vendor shall furnish supplies or services when requested by the authorized individual (s) during a specified period.
2. Extent of obligation - A statement that the County is obligated only to the extent of authorized purchases actually made under the BPA.

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3. Pricing (Un-priced BPA) - A statement that the prices to the County shall be as low or lower than those charged to the vendor's most favored customer for comparable quantities.
4. Purchase limitation (Un-priced BPA) - Dollar limitation for each call order under the BPA.
5. Authorization - A statement specifying who may place calls against the BPA (OMB Director).

### **CHAPTER 9 - RETURN OF PURCHASES**

The Policy Office's basic policy is to reject all nonconforming goods or services. All personnel charged with contractor surveillance shall document findings/reviews/inspections in writing and assure that one (1) copy of each is forwarded to the Purchasing Section for inclusion in the purchase transaction file.

Nonconforming goods or services shall be corrected as follows (in order of preference):

1. Request vendor to restock/re-perform any unacceptable quantities/portions of the contract.
2. Allow contract performance after obtaining some form of consideration.
3. Agree to an equitable adjustment and modify the contract accordingly.
4. Repurchase any unacceptable quantities/portions of the contract and collect excess cost from the delinquent vendor.
5. Terminate the contract.
6. All corrections for nonconforming goods and services shall be subject to approval at the appropriate level of purchasing.

### **CHAPTER 10 - MINORITY BUSINESS ENTERPRISE (MBE), SMALL BUSINESS & DISADVANTAGED BUSINESSES**

On all contracts or contract modifications of over \$500,000 (\$1,000,000 for construction) and that have subcontracting possibilities, the Purchasing Director and/or the Division/Department having project management/oversight responsibilities, should submit an acceptable subcontracting plan. Under such a plan, maximum practicable opportunities must be afforded to small and small minority firms. This plan must include:

1. Separate percentage goals for using small business concerns and small disadvantaged business concerns.

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2. Name of an individual employed who will administer the firm's subcontracting program.
3. Description of efforts to be made to insure that such firms have an equitable opportunity to compete for subcontracts.
4. Assurance that the clause at FAR 52.219-8 will be included in all subcontracts that offer subcontract opportunities.
5. Assurance to cooperate on surveys for compliance.

### **CHAPTER 11 - PURCHASE OF INSURANCE**

Any purchase of insurance by the Monroe County BOCC shall be treated as the purchase of a commodity and regulated the same. This includes the methods of solicitation for coverage: by selection from RFP's; by RFQ's; by sealed bids.

All policies for insurance coverage and contracts for insurance service agencies shall be renewable yearly for a total of not to exceed three (3) renewal years with BOCC review.

### **CHAPTER 12 - RECYCLED CONTENT PRODUCTS**

The Purchasing Section shall on a continuing basis encourage the use of products and materials with recycled content. Preference shall be given to the procurement of recycled content products and materials when it can be determined that such purchases are cost effective, meet specifications required and are in the best interest of Monroe County.

For the purposes of this section "recycled content" means materials that have been used, recycled and are contained in the products or materials to be procured as "post" recycled.

### **CHAPTER 13 - SURPLUS ITEMS**

All using county agencies shall submit to the Clerk of the Courts Property Clerk at such times and in such form as shall be prescribed, reports showing stocks of all tangible personal property which are no longer used or which have become obsolete, worn out or scrapped.

1. Transfer: The Director of Purchasing shall have the authority to transfer surplus stock and equipment to other using county agencies.
2. The Director of Purchasing shall have authority to sell, trade or exchange all supplies and equipment of a value less than the limits proscribed under Chapter 274 FS (\$500.00), which have become unsuitable for County use. Sales of Surplus Property equal to or in excess of the referenced statutory limits (\$500.00) shall require prior approval of the BOCC.
3. Employees of Monroe County are expressly forbidden to bid on sales of surplus Monroe County property. No employee's relative, as defined by Florida Statute Section 112.312, shall be allowed to bid on surplus by

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Florida Statute Section 112.312, shall be allowed to bid on surplus property over which the employee had custody or authority to initiate or authorize the decision to surplus. (BOCC 93/77, 2-10-93)

### **CHAPTER 14 - CENTRAL STORES**

The Purchasing Section shall, where economically feasible, maintain a complete inventory of stockpiled, consumable materials and supplies

#### ***A. Purpose***

1. Permit more effective control and consolidation of purchases;
2. Permit advance procurement of certain items, frequently purchased in small quantities for immediate consumption, thus making these items readily available as issued; and

#### ***B. Requisitions from Central Stores***

The individual departments shall submit orders for inventory items on a requisition form. The request will be forwarded to the Purchasing Section.

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